

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN**

UNITED STATES OF AMERICA	§	Claim No: 2014A39792
	§	
vs.	§	
	§	
Tyrone Smiley		

<b>COMPLAINT</b>
------------------

TO THE HONORABLE UNITED STATES DISTRICT COURT JUDGE:

The United States of America, plaintiff, alleges that:

**Jurisdiction**

1. This Court has jurisdiction over the subject matter of this action pursuant to Article III, Section 2, U.S. Constitution and 28 U.S.C. § 1345.

**Venue**

2. The defendant is a resident of Wayne County, Michigan within the jurisdiction of this Court and may be served with service of process at 16703 Whitcomb Street, Detroit, Michigan 48235-3879.

**The Debt**

3. The debt owed the USA is as follows:

A. Current Principal ( <i>after application of all prior payments, credits, and offsets</i> )	\$2,799.91
B. Current Capitalized Interest Balance and Accrued Interest	\$5,014.88
C. Administrative Fee, Costs, Penalties	\$0.00
D. Credits previously applied ( <i>Debtor payments, credits, and offsets</i> )	\$0.00

E. Attorneys fees	\$0.00
<b>Total Owed</b>	<b>\$7,814.79</b>

The Certificate of Indebtedness, attached as Exhibit A", shows the total owed excluding attorney's fees and CIF charges. The principal balance and the interest balance shown on the Certificate of Indebtedness is correct as of the date of the Certificate of Indebtedness after application of all prior payments, credits, and offsets. Prejudgment interest accrues at the rate of 8% per annum.

**Failure to Pay**

4. Demand has been made upon the defendant for payment of the indebtedness, and the defendant has neglected and refused to pay the same.

WHEREFORE, USA prays for judgment:

A. For the sums set forth in paragraph 3 above, plus prejudgment interest through the date of judgment, all administrative costs allowed by law, and post-judgment interest pursuant to 28 U.S.C. § 1961 that interest on the judgment be at the legal rate until paid in full;

B. For attorneys' fees to the extent allowed by law; and,

C. For such other relief which the Court deems proper.

Respectfully submitted,

By: s/Charles J. Holzman (P35625)  
Holzman Corkery, PLLC  
Attorneys for Plaintiff  
Tamara Pearson (P56265)  
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Southfield, Michigan 48034  
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**U. S. DEPARTMENT OF EDUCATION  
SAN FRANCISCO, CALIFORNIA**

**CERTIFICATE OF INDEBTEDNESS #1 OF 1**

Tyrone Smiley  
16703 Whitcomb Street  
Detroit, MI 48235-3879  
Account No. XXXXX0041

I certify that U.S. Department of Education records show that the BORROWER named above is indebted to the United States in the amount stated below plus additional interest from 01/28/14.

On or about 03/25/91, the BORROWER executed promissory note(s) to secure loan(s) of \$2,625.00 from Bank One Education Finance Group. This loan was disbursed for \$2,625.00 on or about 04/25/91 at 8.00 % interest per annum. The loan obligation was guaranteed by Michigan Higher Education Assistance Authority, and then reinsured by the Department of Education under loan guaranty programs authorized under Title IV-B of the Higher Education Act of 1965, as amended, 20 U.S.C. 1071 et seq. (34 C.F.R. Part 682). The holder demanded payment according to the terms of the note, and credited \$0.00 to the outstanding principal owed on the loan. The BORROWER defaulted on the obligation on 12/31/91, and the holder filed a claim on the loan guarantee.

Due to this default, the guaranty agency paid a claim in the amount of \$2,799.91 to the holder. The guarantor was then reimbursed for that claim payment by the Department under its reinsurance agreement. Pursuant to 34 C.F.R. § 682.410(b)(4), once the guarantor pays on a default claim, the entire amount paid becomes due to the guarantor as principal. The guarantor attempted to collect this debt from the BORROWER. The guarantor was unable to collect the full amount due, and on 10/08/99, assigned its right and title to the loan to the Department.

Since assignment of the loan, the Department has credited a total of \$0.00 in payments from all sources, including Treasury Department offsets, if any, to the balance. After application of these payments, the BORROWER now owes the United States the following:

Principal: \$2,799.91

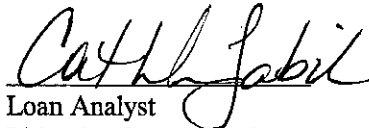
Interest: \$4,944.92

Total debt as of 01/28/14: \$7,744.83

Interest accrues on the principal shown here at the rate of \$0.61 per day.

Pursuant to 28 U.S.C. § 1746(2), I certify under penalty of perjury that the foregoing is true and correct.

Executed on: 3/21/14

  
Loan Analyst  
Litigation Support Unit

# 9327300 MICHIGAN GUARANTY AGENCY Application and Promissory Note for a Guaranteed Student Loan

WARNING: Any person who knowingly makes a false statement or misrepresentation on this form is subject to penalties which may include fines or imprisonment under the United States Criminal Code and 30 USC 1087.

05800

AG- X-000024-00 D

## SECTION I TO BE COMPLETED BY THE STUDENT READ THE INSTRUCTIONS TYPE OR PRINT IN INK

1 Social Security Number		Last Name, First, M.I., Permanent Home Address <b>Smiley, Tyrone</b> <b>3041 Whitney</b> <b>Detroit, MI 48206</b>		Correct item 2A in this space	
2 Correct item 1A in this space		Name <b>Smiley, Tyrone</b>		Address <b>3041 Whitney</b>	
3 Birthdate <b>2-5-62</b>		Driver's License State <b>MI</b> No. <b>NONE</b>		U.S. Citizenship Status (check one) Alien ID No. <input checked="" type="checkbox"/> 1 Citizen <input type="checkbox"/> 2 Non-Citizen	
4 References — You must provide separate adult references with different addresses (carefully read instructions).					
Name		Street, City, State, Zip		Employer	
<b>Michael Smiley 8844 Kimberly Det MI 48208</b>		<b>High State Police</b>			
<b>Nancy Walker 4338 W. Edson Det MI 48210</b>		<b>Wolfe Wayne C.C.</b>			
<b>Alice Smiley 8844 Kimberly Det MI 48208</b>		<b>365 CABA HOU</b>			
5 Enrolled Enrollment Status (check one) <input checked="" type="checkbox"/> 1 Full-time <input type="checkbox"/> 2 At least half-time		Major Course of Study <b>15</b>		Loan Period For this Loan From <b>3-9-91</b> To <b>6-9-91</b>	
6 Have you ever defaulted on an Education Loan? (check one) If yes, carefully read instructions. <input type="checkbox"/> 1 Yes <input checked="" type="checkbox"/> 2 No		7 Do you have any unpaid student loans? (check one) If yes, carefully read instructions. <input type="checkbox"/> 1 Yes <input checked="" type="checkbox"/> 2 No		8 Grade level of your most recent OSL <b>0</b>	
9 Total unpaid balance of your most recent OSL <b>0.00</b>		10 Interest rate on your most recent OSL <b>0%</b>		11 Beginning and ending dates of your most recent OSL From <b>0</b> To <b>0</b>	
12 Total unpaid balance of all your Guaranteed Student Loans or any portion of this loan included in your Consolidation Loan <b>0.00</b>		13 Name and Address of Previous Lender, if any <b>NONE</b>			

SEE INSTRUCTIONS ON THE FRONT OF THE BOOKLET FOR ITEM 15.  
15. PERMANENT RESIDENT OF **MI** SINCE MONTH **12** YEAR **75**

### Promissory Note for a Guaranteed Student Loan

Lender's Name  
Address  
City, State, Zip  
Phone Number  
Fax Number  
E-mail Address  
Web Address  
Other Information

Poor Source Original  
Documents will be retained in portfolio

Signature of Student Borrower **Tyrone Smiley** Date **3/15/91**

### SECTION II TO BE COMPLETED BY THE SCHOOL

1 Name and Address of School <b>LAWTON SCHOOL FOR MEDICAL AND DENTAL ASSISTANTS</b> <b>660 PLAZA DRIVE, SUITE 2200</b> <b>DETROIT, MI 48226</b>		2 School Code <b>012846</b>		3 Area Code/Phone No. <b>313-261-7936</b>		4 Grade Level <b>1</b>		5 Correct item 2A in this space	
6 Anticipated Completion Date Mo. <b>6</b> Day <b>9</b> Yr. <b>91</b>		7 Correct item 2A in this space		8 Enrollment Period Covered by Loan Mo. Day Yr. <b>3-11-91</b> Mo. Day Yr. <b>6-7-91</b>		9 Family Adjusted Gross Income <b>3000.00</b>		10 Estimated Cost of Attendance For Loan Period <b>5201.00</b>	
11 Recommended Disbursement Date Mo. Day Yr. <b>3-11-91</b> <b>6-15-91</b>		12 Estimated Financial Aid for Loan Period <b>1533.00</b>		13 Expected Family Contribution <b>1200.00</b>		14 Difference (27 minus the sum of 25 plus 26) <b>2468.00</b>		15 Correct item 2A in this space	
16 I have read and understand the terms of the school certification printed on the back of this application.		Signature of Authorized Fin. Aid Director <b>Andrew Raylaw</b>		Type or Print Name and Title <b>ANDREW RAYLAW</b> <b>DIRECTOR OF FINANCIAL AID</b>		Date <b>3/15/91</b>			

### SECTION III TO BE COMPLETED BY THE LENDER

1 Name and Address of Lending Institution		2 Loan Amount Approved <b>24625.00</b>		3 Interest Rate <b>%</b>		4 Fee	
5 Lender Code <b>805774</b>		6 Anticipated Disbursement Date(s) Mo. Day Yr. <b>3-11-91</b> Mo. Day Yr. <b>6-7-91</b>		7 Correct item 2A in this space		8 Signature of Authorized Lending Official <b>Daren Ruecho</b>	
9 Area Code/Phone No.		10 For Lender Use Only		11 Date <b>3-26-91</b>			

USA Funds Form 115C 09/87 BUS

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